1

File No. AED 90 FRL 70

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department.....**Section**.....

Subject :—

Earlier References :—

Later References :—

(Classification A/B/C)

Notes Pages.....
Correspondence Pages.....
For/Not for Section Note Book
To be destroyed after.....

Under Secretary to Government.

2

DOCKET SHEET

Department: ALF

File No. AFD 99/FGL 70

Section Forest 'A'

Volume :

SUBJECT

Forest Dept - Hassan Dist - Belur Taluk - Malleswara & Bhattara village - Release of land.

Number and date	To whom sent	Instructions
1	2	3
26/8/70	RD	
	R. & L. SECTION G.C. No. 4885 Date 47358 Secretary	
	28/8/70	
29.8.70	ALF Dept.)	
RD 6054/B/70 30/11	ALF)	
	R. & L. SECTION G.C. No. 1066 Date Secretary	
	31/8 Sir R 31/8	
	R. & L. SECTION G.C. No. 11853 Date Secretary	
	AFD 9191/FA 70 3/12/70	
	45093	
	AFD 6588 FA 70 1/9/70	
	34275	
	R. & L. SECTION G.C. No. 7048 Date 7164 Secretary	

P.T.O.

3

WD—06111—GPB—2,000 pads of 100 shts. each—4-9-61

Number and date 1	To whom sent 2	Instructions 3
22/12/70	RD	
RD7164/B/70 30/12/70	AUF Dept)	
	31 AFD 70 10049 PA 70 2/1/71	
	AFD 1804 PA 71 12/3/71	
4-3-71	RD	
RD1066/B/71 10/3/71		

R. & I. SECTION
No. 1170
Date 12
Section WII

R. & I. SECTION
P.O.
No. 40207
Date AUG 1971
Section 3188

8/8/71

4 AFD.90.FGL70

Sl.No.1. GAD. 2006GA70 dated 25.2.70 of G.A.D (Gl.A)

NOTE.1

A draft letter to L.C.C.F is put up for approval

Issue
28/2

1
Sl.No.2

28/2

ISSUED
Dated 4/3/70.

Sl.No.3. Copy of letter No.LND(2)PR.497 C.69-70 dated 18.3.70 of the D.C. Hassan.

The file may be referred to L.D for favour of issue of Authorisation for on behalf of the Govt. Advocate to defend the case. It is furnish a copy of G.O. to AFF Form

Issue as proposed 21/3/70
20/3 21/3)

28/3/70

Dy. Secy., A.F
No. 1585
23/3

R. & I. SECTION
LAW DEPARTMENT
No. F.10984
Dt. 25 MAR 1970
Section 9

Sl.No.
14000

Dy

23/3/70

LD)

NOTE.2

The G.O. authorising the Govt. Advocate Bangalore to appear in this Case is being returned herewith. The A and F Section may amend the recitals of the said G.O. in this respect and the file may be returned A and F Section

31.3.70
31/3/70 AFF) LD

R. & I. SECTION
A.G.D.
No.
Date 31 MAR 1970
2354 F 70

AFD. 90. FGL 70

5

S.M.H. o.m. No. LAW 685-LWP 70 dated 10-3-70 of the L.D.

NOTE: 3

The file may be referred to R.D. to indicate the action taken with ref. to the authorisation issued by L.D

20/4/70

F. B

22/4/70

R. & I. SECTION
R.D.
No. 23203
Date 25 APR 1970
Secy. 2403/FB

17/4

Note. 4

RD) The D.C. Hassan has been requested to furnish all particulars and records required in this behalf for framing draft C.A. in G.L. No. RD 60 GH 70. With this information this may be returned ACF

D Sir Please see.

ADC sept

Sir 4.5.70

1/5

1570

S:

Note. 5.

SL. no 5 (Receipt) Letter no LND(2) PR. 497 C. No 234/69-70 dt- 30/4/70 from D. C. Hassan.

1) With reference to R.D.'s remarks in pre para, the file may be referred to R. D. as D.C. has furnished the remarks.

2) Pl put up file nos. Af-1) 100 FGL 68 and Af-1) 313 FGL 66.

Pl. Call for particulars from

18347

R. & I. SECTION
A.S.F.D.
No.
Date 4 MAY 1970
Section 3088/FB/70

6 AFD.90:FAC>70.

CCF regarding paras 3 to 6. Immediate action pl.

Dm
22/5/70.

Sh.S.H.Rao
22-5-70

(3) Draft letter to C.C.F. is put up ~~Above~~ for issue. After issue further action will be taken.

SHR
26/5/70

Issue
bg
26/5/70

Issued letter dt 29-5-70 to Addl CCF

Note 6

1) As per orders at paras 2 7 Note 5 the file 100 FGL68 is put up. The other is file is with R.D. in connection with vacation of Temporary Stay as ascertained from official of R.D. (concerned C.W.). Letter to C.C.F. also issued.

SHR
28/5/70

2) Pl. send a requisition to R/D. for the file

bg
28/5/70

P41 Draft U.O. to R.D. is put for appl and issue.

SHR
29/5/70

Issue
bg
29-5-70

Sl.No.9. Copy of letter No.1268/GA/70-4. dated 9.6.70 of the Advocate General B'lr-1.

Sl.No.10. Copy of letter No. B3/GFL/103/64 dated 8.6.70 of the C.C.F. B'lr

HRD 70 Rule 70. 7

Note 7

The file may be referred to R.D to indicate the present stage of the case and to take further action on the letter of the Advocate General Mysore at P43 c/f.

L & L SECTION No. 2237 Date 22.6.70

for INSP 16/6/70

13/6 R.D

17/6/70 (AVT)

Jn.S 16.6.70

Note 8

The particulars and records from the D.C Hassan are yet-awaited. On a Counter affidavit filed by the State, Hon'ble Court has modified the stay order, confining it to the area related to Sri B.V. Krishnappa. The D.C. Hassan has ~~Kacig~~ ~~Criminal~~ sent the Connected records & parawise remarks, which have been sent to the Govt Advocate in letter No LAW 685 CWP 70 dt 22.5.70, for preparing Impr C/A

RECEIVED RD 5034 PA 70 3/7/70 Jn 22.6.70

AVT 22/6

B. P. Krishna 27.6.70

B. P. KRISHNA Under Secy. to Govt. Dept.

4/7

8 AFD.90.Fu.L70.

Sl.No.11. Copy of letter No. S.7.DAR.124.2/69-70 dated 14.7.70 of the D.F.O. Hemam to the P.S. to M(F).

Sl.No.12. letter No. B3/GL/103/64-65 dated 24.2.70 of the C.C.F. Bihar.

Sl.No.13. letter No. GAD 5256 GA70 dated 11.6.70 of the G.A.D.

Sl.No.14. ~~Copy of~~ letter No 685 LWP70 dated 25.6.70.

NOTE.9

The file No AFD.313-Fu.L66 was taken away by R.D on 29.4.70. This is not returned so far.

A draft U.O. note is put up for approval

13/7

issue
&
15/7

Sl.No.15 letter No. 7441(a) GA70 dated 17.8.70 of G.A.D

The file may be referred to R.D to indicate the latest stage of the case

R.D. 26/8/70
US (A&T)

NOTE.10

The writ pln has not been disposed of. Receipt of C/A from the Govt Pleader is awaited. With this information the file may be returned to A&F Deptt 29/8/70
28.8.70. A&F.

AFD. 90. Fol 70.

9

Note 11

(i) Ref. Note 10. We may refer the file to R.D on 20.10.70

7/9/70

(ii) The file may be referred to R.D with ref. to para (i) above.

R.D.

21/10/70

Note 12

Present stage is also indicated above. With this information this file may be returned to ...

29/11/70

Section Officer

Note 13

Ref. Note 12.

We may refer the file to R.D on 16.12.70.

24/12/70

The file may be referred to R.D with ref. to Note 12

R.D.

22/12/70.

Note XIV

10 AFD. 90. FGL 70

May be returned with the information that the C/A is yet awaited from the Govt. Pleader.

29/11/71

AF DEPT

Sri R
2/1

The file may be referred to L.R.D on 1.2.71.

31/12

yes.
4/1/71

The file may be referred to L.R.D to indicate the latest stage of the case

R.D.
3/3/71

3
3/3

Note XV

The writ Petition has not been disposed of. Receipt of C/A from the Govt. Pleader is awaited. With this information the file may be returned to A&F Dept.

9/3/1971

10/3/71

A & FD.

Sri R
12/3

AFD90.FGL70

11

NOTE XVI

Ref. Note XV.

the file may be referred to

R.D on 10.6.71

20/5

29/5

20/5/71

the file may be referred to L.R.D

18/6/71

to indicate the latest stage of the case

16/6.

RD)

16/6/71

(D)

Sri's'

18/6/71

The W.P has not yet been disposed of. The order is awaited

This file may now be returned to A & PD.

24/6

24/6/71

29/6/71

Sir

A & PD)

the file may be referred to L.R.D to indicate the latest stage of the case

19/7

20/7

Pl. speak

Spoken

20/7

20/7

12 AFD. 90. FGL 70.

In W.P. No. 685/70, Sri M. Manje Gowda challanged the grant of 62.20 acs of land out of F.S.No. 95 & 96 in Bukkanavalli, and acs of F.S.No. 184 & 196 of Mallasandra, Belur Tq, Hassan Dist, to Sri B.N. Krishnappa for coffee Cultivation in G.O. No AFD. 100. FGL 68 dated 17.12.69.

As such the file may be referred to RD to indicate the stage of the case

RD) 8/7
30/7
& 29/7.

Advocate is informed that writ Petn. is still pending disposal. The decision is yet-

4/8.
10/8/71

10/8/71

AFD 5745 FA 71
13/8/71

LAND SECTION
A.D.C.
No. 28170
13 AUG 1971

13/8. 13/8

AFD. 90. FGL 70.

The file may be referred to RD 30.9.71

13/8

13/8/71

AFD. 90. FGL 70 B

S.L. No. 17. O.M. No. LAW 685 LWP 70 dated 2/6-9-71 of the L.D.

A copy of the O.M. may be sent to C.C.F.

A draft letter to C.C.F. is put up for approval

Pl. speak
&
11/10

Spoken
13/x

8/11/71

Please see the H.C. orders on pages 51 and 61/cf. W.R. to the W.P. on p33/cf. The proposed letter may issue as modified.

&
13/10

Dy. Secy., A&P
No. 5028
14/x

Dt.

~~Hon'ble Chairman~~
Issue
&
15/10

13/x

Issued 19/11

may be recorded B.

24/11

BSS
7/12.

BSS
23/11

Sl. No. 18. 14 67

AFD 90 FGL 70. 19.11.71

Agriculture & Forest Department.

The Chief Conservator of Forests
(General) in Mysore, Bangalore.

Sir,

Sub: Writ Petition No.685/70 on the file of the High Court of Mysore.

With reference to your letter No.B3/GFL/103/64-65 dated 20/24-2-1970, on the subject mentioned above, I am directed to enclose hereto a copies of orders of High Court passed in the above writ petition and to request you to take further action in the matter.

Yours faithfully,

(S.B.Chikkamath)
Under Secretary to Government,
Agriculture & Forest Department.

15 66

C.R.No.2032-A By Govt. Advocate.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 5th day of August, 1971.

Present.

The Hon'ble Mr. Justice B.Venkataswami
and
The Hon'ble Mr.Justice E.S.Venkataramaiah.

Writ Petition No.685 of 1970.

PETITIONER: M.Manje Gowda son of Jule Gowda, aged about 50 years Vokkaligar, Agriculturist, resident at Siregugura village, Arehalli Hobli, Belur Taluk, Hassan Dist. (by Sri S.K.Venkatranga Iyengar & Sri Maloor Subba Rao).

Petitioner.

and

Respondents: 1. State of Mysore by its Chief Secretary, Bangalore.

2. The Tahsildar, Belur Taluk, Belur.

3. B.M.Krishnappa son of P.Nanjundappa, aged about 70 years, Contractor and Coffee Planter, resident of Mudagere, Chikmagalur District (by Sri A.C. Nanjappa and Sri S.R.Ramanathan for respondent 3 Sri S.R.Rajashekaramurthy for respondents 1 & 2).

Writ petition under Art. 226 and 227 of the constitution of India with an affidavit praying that in the circumstances stated therein this Court may be pleased to quash the Govt. No.AFD 100 FGL68 dated 17-12-1969 etc.

This Writ petition coming on for hearing this day, Mr. Justice Venkataramaiah made the following:-

O R D E R

Venkataramaiah, J.

Aggrieved by the Govt. order No.AFD 100 FGL 68, dated 17th Dec. 1969, the petitioner has approached this Court with this petition under Art.226 of the Constitution of India. The impugned order reads as follows:-

PROCEEDINGS OF THE GOVT. OF MYSORE

Sub: Forest Department - HassanDistrict - Belur Taluk, Malleswara and Bhakkarahalli Villages - Release of 62-20 acres ~~of~~ in S.No.95 and 96 of Bhakkaravalli and in S.No.184 and 186 of Malleswara and 50-9 acres in S. No.194 Malleswara.

Order no.AFD 100 FGL 68, Bangalore, dated the 11-12-1969.

With reference to letter No.B3.GFL.103/64-65 dated 16-7-1969, ~~from~~ of the Chief Conservator of Forests in Mysore, Bangalore on the subject mentioned above in supercession of Govt. Order ~~No~~ No.AFD 313 FGL 66 dated 31-8-1968, the Governor has been released to accord sanction for the release of the following areas and to its surrender to Revenue Department for being granted to the respective persons:

1) 50 acres 9 guntas out of F.S.No.194 of Malleswara Village, Belur Taluk, Hassan District for being granted to Sri M. Raghunath for Coffee Cultivation.

p.t.o.

65

16

11)62 acres 20 guntas out of F.S.No.95 and 96 in Bhakkaravalli and S.No.184 and 186 of Malleswara village Belur Taluk, Hassan Dist. by suitably demarcating the area for being granted to Sri S.N.Krishnappa in exchange of an equal extent of land owned by him in S.No.54 of Mudgundi village, Belur Hobli, Mudigere taluk, Chickmagalur Dist.

111)The Chief Conservator of Forests is directed to take further action in the matter.

Sd/-S.Balasubramanyanam,
i/c Deputy Secretary to Government,
Agriculture & Forest Department.

It is alleged by the petitioner that he as an applicant for the 50 acres of forest land for coffee cultivation in survey No.95 of Bhakkaravalli village minor forest, Arahalli Hobli, Belur Taluk in the District of Hassan. The said application is alleged to have been made on 30th March, 1966, and the said application is atill pending before the Deputy Commissioner, Hassan. Even before the said application was disposed of one way or the other on a recommendation said to have been made by the lower authorities of the Forest Department the Government appears to have passed theorder referred to above, which has been impugned in this proceedings. The contention of Sri S.K.Venkataramaiah Iyengar, learned counsel appearing for the petitioner is that if the aforesaid order of the Govt. is implemented, then the petitioner would be deprived once for all of an opportunity to agitate this application before the Revenue Department, since the entire extent of land in Survey No.96 in Bhakkaravalli village in respect of which the petitioner has made the application is likely to be granted to B.M.Krishnappa, 3rd respondent, pursuant to the order of Govt. and therefore he wants that we would quash the Govt. Order No, however, has to grievence with regard to the Govt. order x made in respect of land in forest survey No.184 of Malleswara village. On going through the order in question we feel that this writ petition is premature. There has not been any order yet made by the competent authority authority granting any land to 3rd respondent, The impugned order has merely accorded sanction for the release of certain forest areas in favour of the Revenue Department for being granted to certain persons. The competent authority who is authorised by law to make a grant is yet to exercise his mind and then dispose of the land in accordance with law. It is unnecessary to mention that such an authority is bound to take into account the claims of other applicants who have made applications for the grant of the very same lands which are still pending before the authorities. It is open to thepetitioner to urge all his contentions before such competent authority with regard to the grant of landin S.No.96. Under these circumstances we feel that it is not necessary to issue any writ under Art.226 of the constitution of India. We are quite sure that the competent authority will keep in his view the relevant rules, before making an order of grant in favour of the 3rd respondent or to the petitioner any other persons whose application may be pending with regard to the lands in question without considering the Govt. Order as a direction compelling xxxxxx xxxx him to grant the land to Sri B.N.Krishnappa the 3rd respondent xx and to no other person. All the other questions raised in these proceedings by the parties are left open.

With the above observation this writ petition is disposed of as premature.

In the circumstances of the case, there will be no order as to costs.

Sd/-B.Venkataswami, Judge.
Sd/-E.S.Venkataramaiah, Judge.

/copy/

Sl.No.18

Sub: as at p 62.

17

64

AFD.90.FGL70

CC,

With ref. to your letter No. B3/GFL/103/64-65 dated 20/24-2-30, on the subject mentioned above, I am directed to enclose herewith a copies of orders of H.C passed in the above writ petitions and to request you to take further action in the matter.

Surrender 62.20 acres of land out of F.S.No.95&96 of Bakkasamudhi and S.No.184 and 196 of Mallasamudra villages

(ETC.)

① pg 1 pg 9 (p62-59)

19/4

of Belur Tq. to be granted to Sri B.N. Krishna Bhat in exchange of an equal extent of land owned by him in S.No.5 of Mudugundi, Belur Hobli, Sudigere Tq, as in fact ordered in G.O.No. AFD.100.Fee 68 dated 17.12.69

(1)
Flag A

J/L
&
W/ABK

Sl.No.17

19 62

AFD 6375/F+1/71
9/9/71

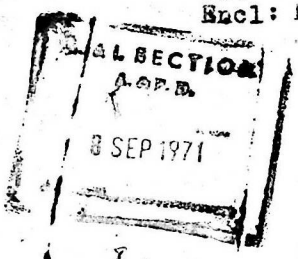
GOVERNMENT OF MYSORE

Mysore Government Secretariat,

No.LAW 685 LWP 70
Encl: H.C.Order.

'Vidhana Soudha',
Bangalore, Dated 3 - 9-1971.

6



OFFICIAL MEMORANDUM

Sub:- Writ Petition No.685/70 on the file of the High Court of Mysore.

Ref:- High Court order dated 5.8.71.

--

20027 With reference to the above, a copy of the High Court Order dated 5.8.1971 passed in writ petition No.685/70 is forwarded herewith for information and necessary action.

6-8-71.

(M.P.Jayashankara Aradhya),
Section Officer,
Dept. of Law & Parliamentary Affairs.

Sri R
8/9

To:

1. The Revenue Department, M.G.S., Bangalore.
2. The Agriculture & Forest Department, M.G.S., Bangalore.
3. The Deputy Commissioner, Hassan District.
4. The Tahsildar, Belur Taluk, Belur.
5. The Law Department (Section-I).
6. The Office copy.

--

SPR/-

20 61

C.R.No.2032-A By Govt. Advocate.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 5th Day of August, 1971

Present

The Hon'ble Mr.Justice B.Venkataswami

And

The Hon'ble Mr.Justice E.S.Venkataramiah.

Writ Petition No.685 of 1970

Petitioner:- M.Manje Gowda, son of Jule Gowda, aged about 50 years, Vokkaligar, Agriculturist, resident at Sirugura village, Arehalli Hobli, Belur Taluk, Hassan District. (By Sri S.K.Venkatranga Iyengar and Sri Maloor Subba Rao)

~~Respon~~

.. Petitioner

And

Respondents:- 1. State of Mysore by its Chief Secretary, Bangalore.

2. The Tahsildar, Belur Taluk, Belur

3. B.M.Krishna Rao son of P.Manjundappa, aged about 70 years, Contractor and Coffee Planter, Resident of Mudgere, Chikmagalur District. (By Sri A.S.Manjappa and Sri S.R.Ramanathan for respondent 3 Sri S.R. Rajashekaramurthy for Respondents 1 and 2)

Writ petition underArt. 226 and 227 of the Constitution of India with an affidavit praying that in the circumstances stated therein this court may be pleased to quash the Govt. No.A.F.D.100 F.C.L.68 dated 17.12.69 etc.

This writ petition coming on for hearing this day, Mr.Justice Venkataramaiah made the following:-

O R D E R

Venkataramaiah.J.

Aggrieved by the Govt. order No.AFD 100 FCL 68, dated 17th December, 1969, the petitioner has approached this Court with this petition under Art.226 of the Constitution of India. The impugned order reads as follows:-

"Proceedings of the Govt. of Mysore

Sub:- Forest - Department - Hassan District - Belur Taluk, Malleswara and Bhakkarahalli villages- Release of 62-20 acres in S.No.95 and 96 of Bhakkaravalli and in S.No.184 and 186 of Malleswara and 50-9 acres in S.No.194 Malleswara.

..2.

in favour of the Revenue Department for being granted to certain persons. The competent authority who is authorised by law to make a grant is yet to exercise his mind and then dispose of the land in accordance with law. It is unecessary tomention that such an authority is bound to take into account the claims of other applicants who have made applications for the grant of the very same lands which are still pending before the authorities. It is open to the petitioner to urge all his contentions before such competent authority with regard to the grant of land in S.No.96. Under these circumstances we feel that it is not necessary to issue any writ under Art.226 of the constitution of India. We are quite sure that the competent authority will keep in his view the relevant rules, before making an order of grant in favour of the 3rd respondent or to the petitioner any other persons whose application may be pending with regard to the lands in question without considering the Govt. order as a direction compelling him to grant the land toSri B.N.Krishnappa the 3rd respondent and to no other person. All the other questions raised in these proceedings by the parties are left open.

With the above observation this writ petition is disposed of as premature.

In the circumstances of the case, there will be no order as to costs.

Sd/- B.Venkataswami, Judge.
Sd/- S.B.Venkataramaiah, Judge.

//TRUE COPY//

S.W.16

118

23 58

AFD 6324 FA 70

21/8/70

FORM No. 2.

GOVERNMENT OF MYSORE

No. GAD 341(a) GA 70

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

IMMEDIATE

Bangalore, Dated 17/8/1970.

From

The Chief Secretary to the Government of Mysore,
Bangalore.

To

32764
The Registrar,
High Court of Mysore,
Bangalore.

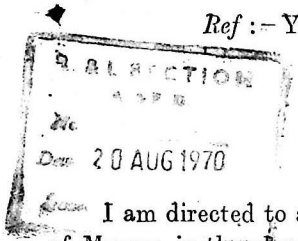
Sir,

Sub :—WP No. 685 of 70
on the file of High Court of Mysore

M.Manje Gowda,
Agriculturist,
R/o Siragura Village,
Arehalli Hobli, Belur Taluk,
Hassan Dist.

Vs. The State of Mysore

Ref :— Your Endorsement No. 9866/Civil/70 dated 12/8/70



I am directed to acknowledge the receipt of the INTERIM ORDER passed by the High Court of Mysore in the above case.

Yours faithfully,

17.8.70

(B.K.DEEN DAYAL)
Deputy Secretary to Government,
General Administration Department.
& (Political)

Copy together with the Order, referred to above are forwarded to the Secretary.....
.....A.&.F.....Department, for immediate action.

Copy to the Department of Law and Parliamentary Affairs

WD 07738—GPB—200 pads of 100 shts. each—23-7-70

AFO

2866/civil/70
12/8/70

24 57

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 10th day of August, 1970

Present

The Hon'ble Mr.Justice A.Narayana Pai.

and

The Hon'ble Mr.Justice K.Bhimiah.

--

Writ Petition No.685 of 1970.
(Orders on I.A.II)

==

M.Manje Gowda, son of Jule Gowda, aged about 50 years, Vokkaligar, Agriculturist, resident at Sirugura Village, Arehalli Hobli, Belur Taluk, Hassan District.

.... Petitioner.

Vs.

1.State of Mysore by its Chief Secretary to Government, Vidhana Soudha, Bangalore-1.

and 2 others. .... Respondents.

SiKS

Writ Petition filed under Articles 226 and 227 of the Constitution of India, by Sriyuths:S.K.Venkataranga-Iyengar and ~~M.~~ Malur Subba Rao, advocates for the petitioner praying for the reasons sworn to in the affidavit annexed to the said petition that this Hon'ble Court may be pleased to:(a)quash by the issue of a writ of certiorari the impugned order of Government No.AFD.100 FCL 68 Bangalore dated 17th December 1969 marked Ex.C and by the issue of a writ of mandamus to direct the Government to pass orders for disposal of S.No.95 of Bakkaravalli village for purposes of coffee plantation in accordance with the Land Grant Rules taking

....2

taking into consideration the petitioner's application for the grant of the same having regard to the fact that the petitioner is a landless person;(b)issue a similar writ or direction directing the Tahsildar(2nd respondent), Belur Taluk to dispose of the petitioner's darkhast application for the grant of S.No.96 in accordance with the Land Grant Rules;the petitioner further prays to pass an interim order pending disposal of the writ, to stay the operation of the impugned order of Government dated 17-12-1969 aforesaid marked Ex.C.

M/s.S.K.Venkataranga Iyengar, Maloor Subba Rao, S.T.ShankareGowda for petitioner.

The Government Advocate for Respondents 1 and 2.
M/s.A.C.Nanjappa, S.R.Ramanathan for Respondent-3.

Read I.A.No.II filed by the counsel for the 3rd respondent praying to vacate the order of stay granted on 13-2-70.

ORDER.

Stay will Continue.

I.A.II dismissed.

Sd/-A.Narayana Pai,
Judge.

Sd/-K.Bhimiah,
Judge.

--

"C o p y"

11.8.70

III Deputy Registrar.

To: (1) State of Mysore by its Chief Secretary to Government, Vidhana Soudha, Bangalore-1.
(2) The Tahsildar, Belur Taluk, Belur.

sc/-3/-11/3/70)

Sl. No. 1)

26

No.AFD 90 FGL 70. Agri. & Forest Department,
Forest 'A'

dated: 23-7-70.

U.O.NOTE.

Sub: Forest Department - Hassan District - Belur Taluk - Mallesewara and Bhakkarahalli Village - Release of 62-20 acres in S.No.95 & 96 of Bhakkaravalli and in S.No.184 and 186 of Mallaswara and 50-9 acres in S.No.194 Mallaswara.

Revenue Department is requested to return urgently this Department file No.AFD 313 FGL 66 which was taken away by them on 29-4-1970 along with their file No.RD 37 LGH 70,

23/7.

(B.N.Anjanappa)
Section Officer,
Agri. & Forest Department.

Revenue Department)

23/7/70

Sub: Sl. No. 15 as at Pleading:

57

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—

U.O. No. 4

AFD. 90-FAL/70.

R.D is requested to return (urgently) this Defn file No. AFD. 313-FAL/66 which was taken away by them on 29.4.70 along with their file No. RD37LGH/70.

S.O. A/c

R.D

S1. M. 14

AFD 5/38 FA 70

8/7/70

5-3

28

Copy of the letter No.1265/GA/70-71 dated 9-6-1970 from the High Court Government Pleader, Bangalore to the Deputy Secretary to Government, Law Department, Bangalore.

Sub: Writ Petition No.685/1970 on the file of the High Court of Mysore. (M.Manje Gowda, Belur Taluk, Hassan District Vs. State of Mysore and others).

26578 Ref: G.O.No.LAW 685 LWP 70 dated 10-3-70.

The application filed on behalf of the respondents is allowed by the Court on 8-6-1970. The stay passed is now restricted to the grant made in favour of the III respondent.

1945/AB/70

// copy //

GOVERNMENT SECRETARIAT A.D.E. No. Dated 3 JUN 1970

1966/AB/70

Copy of the letter No.864/GA/70-71 dated 17-5-1970 from the High Government Advocate, Bangalore to the Deputy Secretary to Government, Law Department, Vidhana Soudha, Bangalore.

Returned

3/7/70

Sub: Writ petition No.685/1970 on the file of the High Court of Mysore (M.Manje Gowda, Belur Taluk, Vs. State of Mysore and others).

R&I

Ref: G.O. No. LAW 686 LWP 70 dated 10-4-1970.

--

90 PG L70 (FA)

With reference to your letter No.LAW 685 LWP 70 dated 10-4-1970, I am to request you to kindly send the entire file of records pertaining to the above case, so as to enable this office to take further action in the matter.

// copy //

No.LAW 685 LWP 70.

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated: 25 -6-1970.

Official Memorandum.

Copy of the above together with a copy of the letter No.1265/GA/70-71 dated 9-6-1970 from the Government Advocate, Bangalore forwarde to:-

1. The Revenue Department, Vidhana Soudha, Bangalore.
2. The Agriculture & Forest Department, Bangalore.
3. The Deputy Commissioner, Hassan District.
4. The Tahsildar, Belur Taluk, Belur. for information and immediate necessary action.

Authorised for Issue,

14.6.70

(M.P.Jayashankara Aradhya)
Section Officer,
Law Department, Law-III

sd/-
(B.M.Chandrashekariah)
Solicitor & Ex-Officio
Deputy Secy. to Government
Dept.of Law & Parl.Affairs

2/
AIT

30 57

676/civil/70

9/6

R. & I. SECTION
G.A.R.
No. 5256 5786
Date 10 JUN 19..
Section GA

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 8th day of J U N E 1970

PRESENT

THE HON'BLE MR. JUSTICE G.K.GOVINDA BHAT

A N D

THE HON'BLE MR.JUSTICE DM.CHANDRASHEKHAR

WRIT PETITION NO. 685 O F 1970
(Orders on I.A.I)

M. Manje Gowda s/o Jule Gowda, aged about 50 years, Vokkaligar, Agriculturist, r/o Sirigura Village, Arehalli Hobli, Belur Tq. Hassan Dt. .. PETITIONER

/Vs/

State of Mysore by its Chief Secy. to Govt. Vidhana Soudha, B'lore-1, and two others. .. RESPONDENTS

WRIT PETITION filed under Articles 226 & 227 of the Constitution of India by M/s S.K.VENKATARANGA IYENGAR, MALOOR SUBBA RAO AND T. SHINGARE GOWDA, ADVOCATES for the petitioner praying for the reasons sworn to in the affidavit annexed to the said petition that this Hon'ble Court may be pleased to quash by the issue of a writ of certiorari the impugned order of Government No.AFD 100 FCL 68 Bangalore dated the 17th December 1969 marked Ex.C and by the issue of a writ of mandamus to direct the Government to pass orders for disposal of S.No.96 of Bakkaravalli village for purposes of coffee plantation in accordance with the Land Grant Rules taking into consideration the petitioner's application for the grant of the same havingregard to the fact that the petitioner is a landless person; (b) issue a similar writ or direction directing the Tahsildar (2nd respondent), Belur Tq. to dispose of the petitioner's darkhast application for the grant of S.No.96 in accordance with the Land Grant Rules. The

Ex X5

petitioner further prays to pass an interim order pending disdisposal of the writ, to stay the operation of the impugned order of Government dated 17-12-69 aforesadd marked Ex.C.

I.A.I. FOR MODIFICATION OF STAY: I.A.I. filed under Sec.151 CPC by the High Court Govt. Pleader and Advocate for Respondents praying to modify the stay order.

M/s S.K.Venkataranga Iyengar, Maloor Subba Rao and N.T. Shamkare Gowda, Advocates for the Petitioner

The Government Advocate for Respondents 1 & 2

ORDER

IT IS ORDERED that pending disposal of this Writ Petition, the interim order of stay granted on 13-2-70 be and the same is hereby restricted to the grant in favour of the 3rd respondent.

9.6.70

III DEPUTY REGISTRAR

To

9/6

1. The State of Mysore by its Chief Secy. to Govt. Vidhana Soudha, B'lore-1.

2. The Tahsildar, Belur Tq. Belur.

PS.RAO/3/9-6-70/

SEAL OF THE HIGH COURT OF MYSORE * सत्यमेव जयते *

Sl. No. 12

32

C. F. No. 45]

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

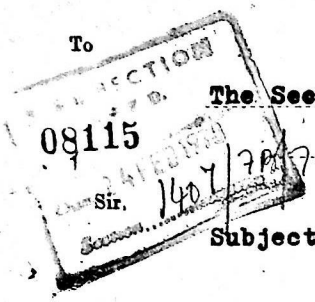
THE CHIEF CONSERVATOR OF FORESTS IN MYSORE

No. B-3/GFL/103/64-65.
Encls. one

BANGALORE - 1.

Date 20th February, 1970.

To



The Secretary to the Government of Mysore,
Agriculture and Forest Department,
B A N G A L O R E - 1.

Sir,

Subject:--Forest Department--Hassan District--Belur Taluk--Mallasawara and Bhakkarahalli Villages--Release of 62-20 acres in S. No.95 and 96 of Bhakkaravalli and in S.No.184 and 186 of Mallaswara and 50-9 acres in S. No.194 Mallaswara.

Reference:--Government Order No.AFD 100 FGL 68 dated 17th February, 1969.

The Government in their order quoted above among others have ordered release of 62-20-0 acres of land out of F.S. No.95 and 96 in Bakkravalli and S.Nos. 184 and 186 of Mallaswara Village, Belur Taluk, Hassan District in exchange of an equal extent of land owned by him in Survey No.54 of Mudgundi Village, Belur Hobli, Mudigere Taluk in favour of Shri. B.N. Krishnappa. But it is not clear whether the area is to be released after removal of tree growth or in tact, since the petitioner is stated to have surrendered his area to Government with tree growth.

This issue did arose at the last occasion when the Government ordered exchange of land, vide G.O.No.AFD 313 FGL 66 dated 30th August 1968. The Government were moved to clarify the issue then underm this Office letter of even No. dated 12-9-1968, which is still awaited.

Orders of Government in the matter may, therefore, kindly be issued ordering to hand over the area along with tree growth or otherwise and revised orders of Government communicated early as already sought for.

I am enclosing herewith a copy of Petition dated 18-2-1970 of Shri. B.N. Krishnappa in this connection for the perusal of Government.

Yours faithfully,

D. Narayanappa M.F.
CHIEF CONSERVATOR OF FORESTS.

Copy of Petition dated 18th February 1970 of Shri. B.N. Krishnappa, Planter, Mudigere Post, Chickmagalurm District, to the Chief Conservator of Forests in Mysore, Bangalore.

Since I have already handed over my lands an year ago with Malki, I am bound to get the lands allotted to me by the Government Order Np. AFD-100 FGL-68 dated 17-12-69 with Malki.

Therefore, I request your goodself to issue orders to Divisional Forest Officer, Hassan to give the possession of the lands along with malki as early as possible.

Thanking you.

CHIEF CONSERVATOR OF FORESTS.

B.K.

Sl. No.11

34 47

No.S-7-DAR-124-2/69-70,

Office of the
Divisional Forest Officer,
Hassan Division,
Hassan, Dated the 14th Jan'70.

To

The Private Secretary to the
Honourable Minister for Forests,
Vidhana Soudha,
BANGALORE-1.

01845

R. & L. SECTION
A. & F. D.
15 JAN 1970
Section 371/78/70

Sir,

Sub: Sanction of 50-9 Acres of land out of Forest Sy.No.194 of Malasavara, Belur Taluk, Hassan District - Conceding the tree growth on the area to Sri. M.P. Nagesh - regarding.

Ref: Telephonic instructions from your office on 3-1-1970 at 2-45 P.M.

****

With reference to the above, I write to report that the Range Forest Officer, Belur Range, Belur, was here in the office when your telephonic message was received. He was instructed immediately in person not to disturb the position of Sri. M. Shankar as instructed through the phone message from your office.

As per G.O. letter No. AFD.100.FGL.68, dated 17-12-69, the Range Forest Officer, Belur Range, Belur, has been instructed to assess afresh the malki in the area for out right sale vide this office letter of even No. dated: 22-12-'69 and the Range Forest Officer, Belur, has been reminded again in the matter on 12-1-1970.

Soon after the assessment list made afresh is received from the Range Forest Officer, Belur Range, Belur, action will be taken to recover the value so assessed from the party with taxes and the malki will be conceded to him as per instructions of the Government letter dt. 17-12-'69.

After these formalities are over, the area of 50-9 acres of land out of Forest Sy.No.194 of Malasavara will

P.T.O.

will be handed over to the Revenue authorities for further action at their end.

This fact may kindly be brought to the notice of the Honourable Minister for Forests.

Yours faithfully,

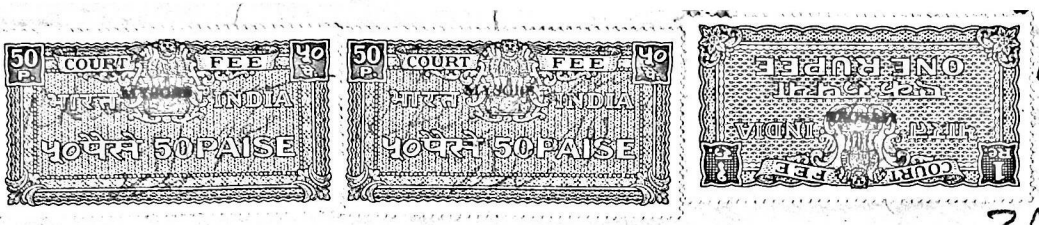
DIVISIONAL FOREST OFFICER,
HASSAN DIVISION, HASSAN.

Copy submitted to the Conservator of Forests, Mercara, for kind information. The malki value after the assessment made afresh will be recovered from Sri. M.P. Nagesh, at the rates then existing on the day of sale of malki in public auction on 4-6-1968. This is because, if the party had cut and removed the malki soon after the confirmation of sale on 22-6-1968, the question of assessment afresh would not have come. Therefore, in the fairness of things, the difference between the amounts secured in the public auction sale on 4-6-1968 and the value of malki assessed afresh now will be recovered at the rates existing on the date of public auction sale on 4-6-1968.

Copy submitted to the Chief Conservator of Forests in Mysore, Bangalore, for kind information.

✓ Copy submitted to the Secretary to the Government, Forest and Agriculture Department, Vidhana Soudha, Bangalore, for information.

Ykv.



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BEFORE THE HON'BLE MINISTER OF STATE FOR FORESTS

(Sy.Secy on tour)
Dy. Secy., A&P
No. 2157
16.1.70.

GOVERNMENT OF MYSORE
BANGALORE.

G. O. NO. AFD 100 FGL 60
Dated 17.12.1969.

Min. of St. Forests.
No. Date.
MFP (A) 3/70.

Subject: Release of 62-20 Acres in S. Nos. 95 and 96 of Bukkarahalli and in S. Nos 184 and 186 of Mallasawara and 50-9 acres in S. 194 of Mallasawara.

DS to get the report from A.C. with regard to the period of unauthorised occupation claimed by the applicant

13/1/70
ALUR HANUMANTHAPPA
Min. of State for Forests.

Petitioner: M. Shankar,
S/o Sri Manjegowda
Shiragara, Arehalli Hobli,
Belur Taluk, Hassan District.

The petitioner states as follows:-

1. The petitioner was one of the interveners in the Writ Petition filed by Sri B.N.Krishnappa and at the time of grant of above lands to one Sri M. P. Raghunath and Sri B.N.Krishnappa. Arguments were heard on behalf of the petitioner. The documents were produced to show that he has unauthorisedly occupied about 12 acres in S. No.194 and raised Coffee plantation and building up of Darakhasth proceedings in his favour. There was an assurance that the above piece of land occupied by the petitioner after building up of the records, would be reserved at the time granting the passing the Government Order. The copy of the Darakhasth memorandum and Writ petition has already been submitted for kind perusal. But the petitioner is surprised to find that no reservation is made. Meanwhile he has received the endorsement No. ADF 313 FGL 66 dated 17.12.1969, directing him to approach the revenue Authorities for allotment of the land after the forest areas are released

02176
R.&C. SECTION
A.D.F.D.
No.
Date 16 JAN 1970
Section H05/708/70

17.1.70

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to the above persons. Meanwhile the lower Forest department officiers are trying to evict the petitioner from the land.

Wherefore, the petitioner prays that an adinterim order of stay be passed restraining the Forest authorities from evicting the petitioner from the land occupied by him, pending regularisation by the Revenue Authorities.

Bangalore.
31st Dec. 1969.

R. Anantaraman
ADVOCATE FOR PETITIONER.